

Message Text

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ACTION DLOS-04

INFO OCT-01 EA-07 ISO-00 IO-13 FEA-01 ACDA-07 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 EUR-12 NEA-10 /142 W
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R 150313Z APR 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 3098

US MISSION UN NEW YORK 671

INFO AMEMBASSY BANGKOK

AMEMBASSY CANBERRA

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

C O N F I D E N T I A L KUALA LUMPUR 2163

E.O. 11652: GDS

TAGS: PLOS, MY

SUBJECT: LOS :

: ATTORNEY GENERAL'S STATEMENT ON LOS; KISSINGER
SPEECH

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REF: (A) STATE 85109 (B) KUALA LUMPUR 1972

1. SUMMARY. BEFORE DEPARTING FOR NEW YORK WHERE HE WILL HEAD MALAYSIAN LOS DELEGATION, TAN SRI KADIR YUSOF TOLD A REPORTER THAT MALAYSIA IS PREPARED TO NEGOTIATE AND MAKE FURTHER CONCESSIONS ON THE TRANSIT OF NAVAL SHIPS THROUGH THE MALACCA STRAIT SO LONG AS FREEDOM OF PASSAGE DOES NOT EFFECT MALAYSIAN NATIONAL SECURITY AND PROTECTION FROM AND COMPENSATION FOR POLLUTION IS GUARANTEED BY THE BIG POWERS. PASSAGE WOULD BE ALONG A CORRIDOR IN THE STRAIT AND SHIPS WOULD NOT HAVE THE RIGHT TO TRANSIT OTHER AREAS WHICH WOULD BE TERRITORIAL WATERS. HE ALSO INDICATED THAT THE GOM WAS STILL CONCERNED OVER TRANSIT THROUGH INDONESIAN ARCHIPELAGIC WATERS BETWEEN PENINSULAR MALAYSIA AND SARAWAK. WITH REGARD TO THE EXCLUSIVE ECONOMIC ZONE, TAN SRI KADIR REPORTEDLY SAID THAT HE WAS VERY ANXIOUS THAT AGREEMENT BE CONCLUDED QUICKLY TO ENABLE MALAYSIA TO CONTROL FISHING OFF ITS SHORES IN THE SOUTH CHINA SEA. END SUMMARY.

2. MINISTER OF LAW TAN SRI X ABDUL KADIR YUSOF, PRIOR TO DEPARTING FOR NEW YORK APRIL 13 TO HEAD THE MALAYSIAN DELEGATION TO THE LOS CONFERENCE, GAVE AN EXCLUSIVE INTERVIEW TO THE STATE NEWS AGENCY, BERNAMA. IN THE INTERVIEW, HE REPORTEDLY SAID THAT THE BIG POWERS, ESPECIALLY THE US AND THE USSR, INSIST ON GUARANTEED FREE PASSAGE THROUGH THE MALACCA STRAIT. "MALAYSIA IS A SMALL COUNTRY AND BY HERSELF CANNOT PREVENT THE BIG POWERS FROM FORCIBLY USING THE STRAIT FOR THEIR NAVAL SHIPS," HE NOTED. THEREFORE, IT IS PREPARED, WITH THE SUPPORT OF OTHER STRAITS COUNTRIES, TO NEGOTIATE AND GIVE FURTHER CONCESSIONS TO NAVAL TRANSIT... SO LONG AS FREEDOM OF PASSAGE DOES NOT AFFECT NATIONAL SECURITY AS WELL AS PROTECTION FROM AND COMPENSATION FOR POLLUTION." BECAUSE OF THE SHALLOWNNESS OF THE STRAIT, HE SAID, MALAYSIA HAS THE RIGHT TO LIMIT THE MAXIMUM SIZE OF TANKERS TO, SAY, 2,000,000 TONS AND PASSAGE SHOULD BE ALONG A CORRIDOR OR DESIGNATED LANE. (HE ALSO NOTED THAT MALAYSIA, INDONESIA AND SINGAPORE WERE WORKING ON A TWO LANE SYSTEM FOR SHIPS USING THE STRAIT.) TAN SRI KADIR STRESSED, ACCORDING TO BERNAMA, THAT NO SHIP WOULD HAVE THE RIGHT TO USE OTHER PARTS OF THE WATERWAY AS THESE WOULD BE CONFIDENTIAL

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TERRITORIAL WATERS AND SUBJECT TO MALAYSIAN CONTROL. HE FURTHER SAID THAT HE "WANTED TO MAKE IT CLEAR TO ALL THE BIG POWERS OF THE WORLD THAT THERE IS NO SUCH THING AS COMPLETE RIGHT WITHOUT RESPONSIBILITY. THIS WE WILL NEGOTIATE AND BARGAIN."

3. ON THE SUBJECT OF PASSAGE THROUGH INDONESIAN CLAIMED ARCHIPELAGIC WATERS BETWEEN PENINSULAR MALAYSIA AND

SARAWAK, KADIR SAID THAT "THOUGH WE FULLY SUPPORT THE
INDONESIAN ARCHIPELAGIC SEA CONCEPT, WE MUST ENSURE EXISTING
RIGHTS OF USE BETWEEN EAST AND WEST MALAYSIA. THIS IS OF
VITAL IMPORTANCE TO THE SECURITY OF OUR COUNTRY."
MALAYSIA MUST INSIST THAT A CLAUSE BE INCLUDED IN ANY
INTERNATIONAL CONVENTION THAT SUCH RIGHTS BE ENSURED AND
REMAIN UNAFFECTED. MALAYSIA "MIGHT" ALSO SIGN AN AGREEMENT
WITH INDONESIA GUARANTEEING OTHER RIGHTS SUCH AS OVERFLIGHTS,
NAVIGATION, FISHING AND LAYING OF SUBMARINE CABLES AND
PIPELINES. "WE ARE NEGOTIATING WITH INDONESIA TO GET
THESE RIGHTS IN A VERY FRIENDLY MANNER," HE SAID.

4. IN ADDITION, TAN SRI KADIR TOLD BERNAMA THAT MALAYSIA
HAD AGREED ON THE PRINCIPLE OF A 12-MILE LIMIT FOR
TERRITORIAL WATERS AND A 200-MILE ECONOMIC ZONE. HE SAID
HE WAS ANXIOUS TO CONCLUDE AN AGREEMENT QUICKLY TO ENABLE
MALAYSIA TO EXERCISE CONTROL OVER FISHING GROUNDS BEYOND
THE 12-MILE LIMIT IN THE SOUTH CHINA SEA WHICH IS HEAVILY
FISHED BY COUNTRIES AS FAR AWAY AS TAIWAN. "THIS MEANS
WE WILL HAVE TO STRENGTHEN OUR MARINE DEPARTMENT AND
OUR NAVY TO PATROL A BIGGER AREA," KADIR REMARKED.

5. COMMENT. AS NOTED IN REF B, ACCEPTANCE OF STRAITS
CORRIDORS IS A MAJOR CHANGE IN GOM'S POSITION. IT IS
INTERESTING TO NOTE, HOWEVER, THAT KADIR FELT IT NECESSARY
TO REITERATE PUBLICLY THE GOM REQUIREMENT FOR AN
INTERNATIONAL GUARANTEE OF FREE PASSAGE THROUGH THE
WATERS SURROUNDING NATUNA AND ANAMBAS ISLANDS.

6. FYI. IN THE ABSENCE OF THE AMBASSADOR, WHO IS MAKING
OFFICIAL VISIT TO SARAWAK, DCM IS TAKING UP POINTS MADE
IN SECRETARY KISSINGER'S APRIL 8 SPEECH WITH NEW MFA
SECRETARY GENERAL ZAKARIA. HE WAS UNABLE TO REACH
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KADIR BEFORE HIS DEPARTURE AND SUGGESTS THEREFORE, THAT
US LOS DELEGATION MAY WISH TO MAKE SPECIFIC REPRESENTATIONS
TO THE LAW MINISTER WHEN HE REACHES NEW YORK. (A COPY OF
THE SECRETARY'S SPEECH ALSO HAS BEEN SENT TO PRIME
MINISTER HUSSEIN ONN.)
UNDERHILL

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